

REMARKS

Claims 1-12 were presented for examination with claims 1-3, 5-10 and 12 being rejected. Claims 4 and 11 are also identified as rejected but no grounds are stated. The drawings and specification have been objected to. This amendment amends all claims to better claim that which the applicant regards as the invention, adds claims 13-20, provides a new set of drawings for which approval is requested and provides a new specification. No new matter is involved.

Claim 1 has been amended to more clearly and definitely claim that which applicant regards as the invention. As amended claim 1 recites "an elongated rigid frame having an X-shaped cross section with four elongated walls that are rigidly joined along an elongated central portion of the cross section". This language clearly distinguishes over U.S. patent 5,881,468 to Baumann. While Baumann's frame might be considered X shaped in cross section, it is hinged, not rigid. Furthermore, the central portion of the cross section is not elongated as recited in claim 1. The Baumann level is elongated transverse to the central portion of the X shaped cross section, not along the central portion of the cross section.

Claims 2-12 depend from claim 1 and incorporate by reference the distinguishing features of claim 1. Claim 2 recites a length of at least 6 inches. The length means in the direction of elongation. Claim 3 further recites a pivotally mounted level indicating bubble vial and claim 4 recites two pivotally mounted level indicating bubble vials.

Claim 5 further recites first and second bubble vials fixedly mounted on the frame. Claim 6 further recites a bubble vial having an orientation of 45 degrees relative to the direction of elongation. Claim 7 further recites the level indicating bubble vial as being removable. Claim 8 defines the orientation of the bubble vial at 45 degrees and recites a second bubble vial that is oriented parallel to the direction of elongation. Claim 9 recites two bubble vials that are oriented parallel to the direction of elongation in addition to the 45 degree bubble vial.

Claim 10 further recites front and back 90 degree V grooves plus front and rear handle moldings supporting level indicating bubble vials. Claim 11 further recites front and rear handle moldings supporting level indicating bubble vials that are oriented parallel to the direction of elongation and in opposing relationship. Claim 1 further recites scratch resistant end caps while claim 13 recites front and rear handle moldings supporting bubble vials with the front handle molding also supporting at least one magnet.

Claim 14 is an independent claim and clearly distinguishes Baumann by reciting "an X-shaped cross section with four elongated walls that are rigidly joined along an elongated central portion of the cross section". Claims 15-19 depend from claim 14 and recited further distinguishing features.

Claim 15 further recites front and back 90 degree V grooves plus front and rear handle moldings supporting bubble vials. Claim 16 further recites a length of at least 60 inches. Claim 17 further recites a pivotally mounted level indicating vial and claim 18 further recites two pivotally mounted level indicating vials.

Claim 19 further recites first and second bubble vials fixedly mounted on the frame in opposing relationship with an orientation parallel to the direction of elongation.

Claim 20 is an independent claim that recites the level in considerable detail, including "an elongated rigid frame extending along a direction of elongation and having an X-shaped cross section " and " four elongated generally rectangular walls that are joined along an elongated central portion of the cross section".

The specification has been amended at page 1 to change patent number "238,153" to --D238,153-- as required by the office action.

At multiple locations the angle between facing surfaces of the X-shaped from, which is sometimes referred to as a V groove, has been changed from "45-degrees" to --90-degrees-- to correct an obvious error and describe the shape as it is clearly shown in the original drawings.

At page two the description of simultaneously plumbing has been clarified. The awkward reference to two 45 degree angles has been changed to simultaneous plumbing both sides of a 90 degree corner. This feature is clearly illustrated in original Fig. 2. The reference to the 45 degree bubble vials has been grammatically corrected. Corresponding clarifications have been made in the Brief Summary of the Invention and in the Detailed Description.

The specification has been amended to correct a number of grammatical errors.

Language has been added to the Brief Description to provide antecedent

basis for claim language to enable the applicant to more clearly and definitely claim that which the applicant regards as the invention. Since this language reflects that which was described in the specification and shown in the drawings of the original application, no new matter is involved.

Reference numerals have been changed to provide consistency between the specification and the drawings and to reference additional drawing features which were shown in the original drawings or described in the original specification.

The Detailed Description has been amended to provide a more specific identification of various features, in conjunction with increased use of reference numerals. Since the features were described and shown in the drawings of the original application. No new matter is involved.

The drawings have been amended as required by the Office Action. Virtually all reference numerals have been changed to reflect the more extensive use of reference numerals in the Detailed Description.

In Fig. 1 solid shading has been removed at several locations that have been encircled in red and the reference numerals have been changed to match the revised specification. Arrows have been added to illustrate the plane of the sectional view of Fig. 3.

In Fig. 2 solid shading has been removed at several locations that have been encircled in red and the reference numerals have been changed to match the revised specification. The work piece has been shown in all dashed line outline, the erroneous "45-degree" indication has been corrected to --90-

degrees-- and the word "post" has been removed. The orientation of the reference numerals and figure number have been changed to provide consistence with Fig. 1.

In Fig. 3 solid shading has been removed at several locations that have been encircled in red and the reference numerals have been changed to match the revised specification. The orientation has been inverted to provide consistency with Figs. 1 and 2, and alternative extended positions of the flip out brackets and bubble vials have been shown in dashed outline instead of solid outline.

In Fig. 4 solid shading has been removed at several locations that have been encircled in red and the reference numerals have been changed to match the revised specification. The orientation has been inverted to provide consistency with Fig. 1, 2 and 3.

In Fig. 5 solid shading has been removed at several locations that have been encircled in red and the reference numerals have been changed to match the revised specification. The orientation has been inverted to provide consistency with Fig. 1, 2, 3 and 4.

In Fig. 6 the shading has been modified as shown in red and an end cap has been shown as encircled in red for consistency with Figs. 1-5. The reference numerals have been changed to match the revised specification.

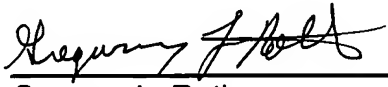
No new matter is involved.

REPORT ON EXAMINER TELEPHONE INTERVIEW

On or about August 2004 the applicant had a helpful and courteous telephone interview with Examiner Tania Courson. Examiner Courson provided some helpful suggestions for modifying the application to overcome the objections and rejections in the Office Action dated June 4, 2004.

Respectfully submitted,

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By:   
Gregory L. Roth  
Reg. No. 26,224

Law Offices of Gregory L. Roth  
6 Centerpointe Drive  
Suite 780  
La Palma, California 90623

Phone: (714) 521-1333  
Facsimile: (714) 521-0447  
E-mail: [RothPatent@AOL.com](mailto:RothPatent@AOL.com)

In the Drawings:

Please amend the drawings by substituting the 6 replacement sheets attached to the Amendment filed November 8, 2004 for the original 6 sheets of drawings. The drawing changes are indicated in red in the Annotated Marked-up Drawings attached to the November 8, 2004 Amendment.